APPENDIX.

[Vide item II at page 427 supra.]

GOVERNMENT OF MADRAS.

PUBLIC (INFORMATION AND PUBLICITY) DEPARTMENT.

PRESS COMMUNIQUE No. 13.

Dated, Fort St. George, the 19th March 1947.

Before the war, trade disputes were sought to be settled by conciliation or arbitration under the Trade Disputes Act, 1929. The awards of conciliators or arbitrators were not, however, binding on the parties to the dispute; and as it was essential during the war that all trade disputes should be settled expeditiously, a rule, viz., rule 81-A, was inserted in the Defence of India Rules, so as to provide for the reference of trade disputes to adjudicators whose awards would be binding on the parties. Experience of the working of adjudication under rule 81-A was very satisfactory, and in August last, in view of the impending expiry of the Defence of India Rules on the 1st October 1946, this Government considered it necessary to introduce interim legislation for the settlement of trade disputes, pending further investigation and final legislation in regard to the matter. The Madras Trade Disputes Adjudication (Temporary Provisions) Bill, 1946, was accordingly introduced in the Legislative Assembly and passed by it on the 9th September 1946 and by the Legislative Council on the 12th September 1946.

2. As the Bill regulated subjects in the Concurrent Legislative List in a manner which was repugnant to the provisions of the existing law on those subjects, His Excellency the Governor reserved the Bill for the consideration of the Governor-General, with reference to section 107 (2) of the Government of India Act, 1933.

3. Shortly afterwards, on the 25th September 1946, the Emergency Provisions (Continuance) Ordinance, 1946 (Ordinance XX of 1946) was passed by the Governor-General, continuing Rule 81-A and certain other of the Defence of India Rules.

4. His Excellency the Governor-General has intimated his decision, arrived at after the fullest consideration, to withhold his assent to the Bill for the reasons set out below.

5. In the first place, His Excellency considers that in view of the division of functions made not only in the Trade Disputes Act, 1929, but also in Rule 81-A of the Defence of India Rules as continued in force by the Ordinance, the Bill is open to objection as encroaching on the Central field. His Excellency has also pointed out that since Rule 81-A of the Defence of India Rules has been continued in force by the Ordinance, the immediate reasons which led to the promotion of the Bill have ceased to apply.

6. It may be added that in view of the continuance of Rule 81-A of the Deence of India Rules, the Government of Madras did not press for assent being accorded to the Bill.

C. V. HANUMANTHA RAO,
Director of Information and Publicity.